THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES 1934
VOLUME 13 NUMBER 84
Washington, Thursday, April 29, 1948

TITLE 6—AGRICULTURAL CREDIT

Chapter III—Farmers' Home Administration, Department of Agriculture

Subchapter I—Account Servicing

PART 386—SETTLEMENT

DELEGATION OF AUTHORITY WITH RESPECT TO DEBT SETTLEMENT OPERATIONS

Section 386.1, in Title 6, Code of Federal Regulations (6 CFR, 1947 Supp., 386.1) is amended to add the following paragraph (g) (4)

§ 386.1 *Compromise, adjustment, and cancellation of debts due the Farmers Home Administration.* * * *

(g) *Delegation of authorities.* * * *

(4) State directors hereby are authorized to delegate to duly established Farmers Home Administration county committees authority to perform debt settlement functions under this section on counties for which no county committees have been appointed.

(58 Stat. 836, 60 Stat. 1062, 1066; 12 U. S. C. 1150)

[SEAL] DILLARD B. LASSETER,
Administrator
Farmers Home Administration.

APRIL 22, 1948.

[F. R. Doc. 48-3802; Filed, Apr. 28, 1948; 8:48 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration. (Marketing Agreements and Orders)

PART 932—MILK IN FORT WAYNE, IND., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED, REGULATING HANDLING

§ 932.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 12 F. R. 1159, 4904) a public hearing was held upon certain proposed amendments to the tentatively approved marketing agreement and to the order, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

(b) *Additional findings.* It is necessary in the public interest, to make this order amending the order, as amended, effective not later than May 1, 1948. Any delay beyond May 1, 1948, in the effective date of this order, amending the order, as amended, will seriously threaten the orderly marketing of milk in the Fort Wayne, Indiana, marketing area for May and succeeding months. The nature and provisions of the order amending the

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Division of the Federal Register, the National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

order, as amended, are well known to handlers in the market since the hearing was held on November 13–14, 1947, the recommended decision was filed on February 9, 1948 (13 F. R. 634) and the final decision was executed by the Acting Secretary on April 16, 1948 (13 F. R. 2138) which final decision sets forth the need for the amendment. Compliance with the order amending the order, as amended, will not require any preparation on the part of handlers which cannot be completed by May 1, 1948. It is hereby found and determined, in view of these facts and circumstances, that good cause exists for making this order amending the order, as amended, effective May 1, 1948; and that it would be contrary to the public interest to delay the effective date of this order amending the order, as amended, to a date later than May 1, 1948.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, as amended), of more than 50 percent of the volume of milk covered by this order amending the order, as amended, which is marketed within the Fort Wayne, Indiana, marketing area refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said market-

ing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practicable means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the Fort Wayne, Indiana, marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers, who during the determined representative period (January 1948) were engaged in the production of milk for sale in the Fort Wayne, Indiana, marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Fort Wayne, Indiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete § 932.1 (j) and substitute therefor the following:

(j) "Handler" means:

(1) Any person, including any cooperative association, who operates a fluid milk plant; and

(2) Any cooperative association with respect to:

(i) Milk caused by it to be delivered from producers' farms to a fluid milk plant for which milk such association is authorized to receive payment; or

(ii) Milk of producers caused to be diverted for its account from a fluid milk plant to a non-fluid milk plant.

2. Delete § 932.1 (l) and substitute therefor the following:

(l) "Fluid milk plant" means any milk processing or distributing plant approved by the appropriate health authorities of the marketing area, from which a route (or routes) is operated wholly or partially within the marketing area.

3. Add the following as § 932.1 (p)

(p) "Non-fluid milk plant" means any milk plant not a fluid milk plant.

4. Delete § 932.3 (a) (1) and substitute therefor the following:

(1) The quantities of butterfat and quantities of skim milk contained (i) in (or used in the production of) all receipts at a fluid milk plant of (*a*) producer milk, (*b*) skim milk and butterfat in any form from any other handler, and (c) other source milk, and (ii) in all producer milk diverted for the account of such handler during the delivery period to a non-fluid milk plant.

5. Delete § 932.3 (a) (2) and substitute therefor the following:

(2) The product pounds of milk products received from any source other than from a handler and disposed of in the same form.

6. Delete § 932.4 (a) and substitute therefor the following:

(a) *Skim milk and butterfat to be classified.* The market administrator shall classify pursuant to the following provisions of this section:

(1) All skim milk and butterfat, in any form, received within the delivery period by a handler at his fluid milk plant, in producer milk, in other source milk, and from another handler; and

(2) All skim milk and butterfat in producer milk caused by a handler to be diverted for his account to a non-fluid milk plant.

7. Delete § 932.4 (e) and substitute therefor the following:

(e) *Transfers and diversions.* Skim milk or butterfat disposed of by a handler from a fluid milk plant either by transfer or diversion shall be classified:

(1) As Class I milk if transferred or diverted to the fluid milk plant of another handler (except a producer-handler) in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period within which such transaction occurred: *Provided,* That skim milk or butterfat so assigned to a particular class shall be limited to the amount thereof remaining in such class in the plant of the transferee-handler after the subtraction of other source milk pursuant to paragraph (g) (1) (ii) of this section, and any excess of such skim milk or butterfat, respectively, shall be assigned in series beginning with the next lowest-priced available utilization;

(2) As Class I milk if transferred or diverted to a producer-handler in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream;

(3) As Class I milk if transferred or diverted except as provided in subparagraph (4) of this paragraph, to a non-fluid milk plant not operated by the handler in the form of milk or skim milk and as Class II milk if so disposed of in the form of cream unless (i) the handler claims another class on the basis of a utilization mutually indicated in writing to the market administrator by both the buyer and seller on or before the 5th day after the end of the delivery period within which such transaction occurred, (ii) the buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the purpose of verification, (iii) such buyer's plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided,* That if upon inspection of his records such buyer's plant had not actually used an equivalent amount of skim milk and butterfat in such indicated use, the remaining pounds shall be classified on the basis of the next highest-priced available use in accordance with the classes set forth in paragraph (b) of this section; and

(4) As Class I milk if transferred or diverted in the form of milk to a milk plant located 100 miles or more from the City Hall in Fort Wayne, Indiana, by shortest highway distance as determined by the market administrator.

(5) As follows, if contained in producer milk caused to be diverted or transferred by a handler to a nonfluid milk plant operated by such handler:

(i) In accordance with its utilization in such non-fluid milk plant, if there utilized; or

(ii) In accordance with subparagraphs (1), (2), or (3) (except for the reference to subparagraph (4) therein) of this paragraph, if further transferred from such non-fluid milk plant to another milk plant;

Provided, That if the use in or disposition from the non-fluid milk plant of such handler is in conjunction with other receipts, the receipts of producer milk shall first be allocated to the available quantity of Class III milk and any remaining balance of such receipts shall be allocated to the available quantities of Class II milk and of Class I milk in that sequence.

8. Delete § 932.4 (g) (1) (ii) and (g) (1) (v).

9. Redesignate § 932.4 (g) (1) (iii) (g) (1) (iv) and (g) (1) (vi) as § 932.4 (g) (1) (ii), (g) (1) (iii) and (g) (1) (iv), respectively.

10. Delete § 932.6 (c) and substitute therefor the following:

(c) *Milk caused to be delivered by cooperative associations.* A cooperative association shall be deemed to be a handler pursuant to § 932.1 (j) (2) (i), with respect to milk caused by it to be delivered from producers' farms to a fluid milk plant, only for the purpose of making such payments to the market administrator as are required of such association pursuant to the proviso of § 932.8 (e).

11. Delete § 932.6 (d).

12. In § 932.7 (a), following the words "subtracted pursuant to," delete "§ 932.4 (g) (1) (vi)," and substitute therefor "§ 932.4 (g) (1) (iv)"

(48 Stat. 31, 670, 675, 49 Stat. 246; 9 U. S. C. 601 et seq., sec. 102, Reorg. Plan 1 of 1947, 12 F. R. 4534)

Issued at Washington, D. C., this 27th day of April 1948, to be effective on and after the 1st day of May 1948.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 48-3847; Filed, Apr. 28, 1948; 9:39 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration (Old-Age and Survivors Insurance), Federal Security Agency

[Reg. 3, Further Amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

SUPPORTING EVIDENCE

Subdivisions (i) and (iii) of § 403.702 (e) (1) of Regulations No. 3, as amended

(12 F. R. 585) are amended to read as follows:

§ 403.702 *Supporting evidence as to right to receive benefits and lump sums.* * * *

(e) *Evidence as to relationship of parent and child—(1) Child's application.* * * *

(i) If the relationship is by blood, the evidence described in paragraph (b) of this section should be submitted (in the order of priority therein provided) showing the relationship between the parent and child in question: *Provided,* That a public record of birth, a church record of birth or baptism, or a hospital birth record, described in such paragraph (b) which shows the name of the child but does not give the names of the parents and their relationship to the child may be accepted as supporting evidence of relationship if the surname of the child shown thereon is the same as that of the wage earner at the time of the birth of the child and if none of the information available or furnished to the Administration is inconsistent with the existence of the relationship.

* * * * *

(iii) If the relationship is that of stepparent and stepchild and the child is the blood child of a parent to whom such a stepparent is married, the evidence described in paragraph (b) of this section should be submitted (in the order of priority therein provided) showing the relationship between the child and such blood parent: *Provided,* That a public record of birth, a church record of birth or baptism, or a hospital birth record, described in such paragraph (b) which shows the name of the child but does not give the names of the parents and their relationship to the child may be accepted as supporting evidence of relationship between the child and the child's blood parent to whom the stepparent is married if the surname of the child shown thereon is the same as that of the blood parent at the time of the birth of the child, and if none of the information available or furnished to the Administration is inconsistent with the existence of the relationship. If the child is the adopted child of the parent to whom such stepparent is married, evidence of adoption in accordance with subdivision (ii) of this subparagraph shall be submitted. Evidence should be submitted as described in paragraph (d) of this section (in the order of priority therein provided) as to the marriage of the child's blood parent (or adopting parent) and such stepparent.

(Sec. 1102, 49 Stat. 647; sec. 205 (a), 53 Stat. 1368; 42 U. S. C. 405 (a) 1302; sec. 4 of Reorg. Plan No. 2 of 1946, 11 F R. 7873)

Dated: April 16, 1948.

[SEAL] A. J. ALTMEYER,
Commissioner for Social Security.

Approved: April 23, 1948.

OSCAR R. EWING,
Federal Security Administrator

[F. R. Doc. 48-3806; Filed, Apr. 28, 1948; 8:49 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter I—Irrigation Projects: Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

CROW INDIAN IRRIGATION PROJECT, MONTANA

On February 4, 1948 there was published in the daily issue of the FEDERAL REGISTER notice of intention to amend § 130.12 *Charges, Crow Indian Irrigation Project, Montana.*

Interested persons were thereby given opportunity to participate in preparing the amendments by submitting data or written arguments within 30 days from date of publication of the notice. No objections were submitted. Accordingly, § 130.12 *Charges* is amended as follows, to be effective for the season of 1948 and thereafter until further order.

Pursuant to section 4 (a) of the Administrative Procedure Act approved June 11, 1946, Public Law 404, 79th Congress; the acts of Congress approved August 1, 1914; June 4, 1920; May 26, 1926; and March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 41 Stat. 751, 44 Stat. 658; 45 Stat. 210, 25 U. S. C. 387) the charges for operation and maintenance on lands of the Crow Indian irrigation project, Montana, to which water can be delivered, are hereby fixed on the several units for the calendar year 1948 and thereafter until further order as follows:

§ 130.12 *Charges: Crow Indian Irrigation Project, Montana.*

Under Government operated units, except Coburn Ditch, per acre	$1.60
Under Two Leggins Unit, per acre	1.25
Under Bozeman Trail Unit, per acre	.90
Under Lodge Grass Units 1 and 2, Reno and Agency Units, for storage operation and maintenance Willow Creek Dam, for Indian-owned lands only, per acre	.10
Certain tracts of irrigable Trust patent Indian lands within and benefited by the Two Leggins Drainage District (Contract dated June 29, 1932)	75

(38 Stat. 583, 41 Stat. 751, 44 Stat. 658, 45 Stat. 210, 25 U. S. C. 385, 387)

PAUL L. FICKINGER,
Regional Director, Region No. 2,
U. S. Indian Service.

[F. R. Doc. 48-3787; Filed, Apr. 28, 1948; 8:45 a. m.]

PART 130—OPERATION AND MAINTENANCE CHARGES

FORT PECK INDIAN IRRIGATION PROJECT, MONTANA

On February 4, 1948 there was published in the daily issue of the FEDERAL REGISTER notice of intention to amend paragraphs (a) (b) (c) (c–1) (d) and (e) of § 130.38 Charges Fort Peck Indian irrigation project, Montana.

Interested persons were thereby given opportunity to participate in preparing the amendments by submitting data or written arguments within 30 days from date of publication of the notice. Objection was received from one wateruser who objected to paying assessments on assessable lands he was not farming. Regulations require that assessments be paid on the entire irrigable area to which water can be delivered. The objection was considered and it has been determined that it is insufficient to justify a change in the prepared amendments. The charges for operation and maintenance on lands of the project to which water can be delivered, are hereby fixed on the several units for the calendar year 1948 and thereafter until further order, are as follows:

§ 130.38 *Charges: Fort Peck Irrigation Project, Montana.* (a) On the Poplar River Unit and that part of the Big Porcupine Unit not served by the Wiota pumping plant, water when available will be furnished upon approved application during each irrigation season at a flat rate of $1.00 per acre per annum for all irrigable lands included in the farm unit or allotment described in the application, whether water is used or not.

(b) On that part of the Big Porcupine Unit that is under the service area of the Big Porcupine or Wiota pumping plant, water when available will be furnished to all irrigable non-Indian lands and to all Indian owned allotments leased to non-Indians, to which delivery of water can be made, at a minimum rate of $1.50 per acre per annum. Payment of the minimum rate entitles the waterusor to the delivery of one and one-half acre-feet of water per acre of irrigable land included in each farm unit or allotment. Any additional water delivered shall be charged for at the rate of $1.00 per acre-foot or fraction thereof.

(c) For Indian land farmed by the Indian owner or leased and farmed by Indians, under the part of the Big Porcupine Unit that is within the service area of the Wiota pumping plant, water when available will be furnished at the minimum rate of $1.50 per acre per annum for the entire irrigable area included in the allotment. Payment of the minimum rate entitles the Indian wateruser to the delivery of one and one-half acre-feet of water per acre included in the allotment. Any additional water delivered shall be charged for at the rate of $1.00 per acre-foot or fraction thereof.

(c–1) For all irrigable lands situated adjacent to and outside of that part of the Big Porcupine Unit that is under service area of the Big Porcupine or Wiota pumping plant, surplus water, when available and not required for irrigation of lands within the Big Porcupine Unit, will be furnished at the flat rate of $1.85 per acre-foot. Water measurement and delivery thereof will be made at project limits.

(d) On the Frazer-Wolf Point Unit (comprising all irrigable lands supplied with water from the Little Porcupine Reservoir and the Frazer Pumping Plant) water when available, will be furnished to all irrigable non-Indian lands, and to all irrigable Indian-owned allotments leased to non-Indian (whether subjugated or not), to which delivery of water

can be made, at a minimum rate of $1.50 per acre per annum. Water, when available, will be furnished at a like minimum rate for the irrigable area of all subjugated Indian-owned allotments to which delivery of water can be made. Payment of the minimum rate entitles the water user to the delivery of one and one-half acre-feet of water per acre of irrigable land included in each farm unit or allotment. Any additional water delivered shall be charged for at the rate of $1.00 per acre-foot or fraction thereof.

(e) For all Indian lands farmed by the Indian owner, or leased and farmed by Indians in the Frazer-Wolf Point Unit, not subjugated but to which water can be delivered, water when available, will be furnished at the minimum rate of $1.50 per acre per annum for the entire irrigable area included in each allotment. Payment of the minimum rate, entitles the Indian water user to the delivery of one and one-half acre-feet of water per irrigable acre included in the allotment. Any additional water delivered shall be charged for at the rate of $1.00 per acre-foot or fraction thereof. (38 Stat. 583, 39 Stat. 142, 45 Stat. 210, 25 U. S. C. 385, 387)

PAUL L. FICKINGER,
Regional Director, Region No. 2, U. S. Indian Service.

[F. R. Doc. 48-3788; Filed, Apr. 28, 1948; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter XXIII—War Assets Administration

[Reg. 2,[1] Revocation of Order 4]

PART 8302—DISPOSAL OF SURPLUS PERSONAL PROPERTY TO PRIORITY CLAIMANTS

EXEMPTIONS OF SPECIALIZED COMMUNICATIONS EQUIPMENT

War Assets Administration Regulation 2, Order 4, January 10, 1946, entitled "Exemption of Specialized Communications Equipment" (11 F. R. 637), is hereby revoked and rescinded.

(Surplus Property Act of 1944, as amended; (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611) Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b) and Reorganization Plan 1 of 1947 (12 F. R. 4534))

This revocation shall be effective April 29, 1948.

JESS LARSON,
Administrator.

APRIL 26, 1948.

[F. R. Doc. 48-3863; Filed, Apr. 28, 1948; 10:56 a. m.]

[Reg. 9, Amdt. 3]

PART 8309—CONTRACTOR INVENTORY AND DISPOSALS BY OWNING AGENCIES

War Assets Administration Regulation 9, June 6, 1947, as amended through January 16, 1948, entitled "Contractor Inventory and Disposals by Owning Agencies" (12 F. R. 3833, 6551; 13 F. R. 219), is hereby further amended by changing subparagraph (b) of § 8309.2 to read as follows:

§ 8309.2 *Limitation of application.*

* * *

(b) Disposals or retentions of plant equipment consisting of any property located in a war contractor's plant and covered by a facilities contract, except when sold as scrap or in small lots as provided herein.

(Surplus Property Act of 1944, as amended (58 Stat. 765, as amended; 50 U. S. C. App. Sup. 1611), Public Law 181, 79th Congress (59 Stat. 533; 50 U. S. C. App. Sup. 1614a, 1614b) and Reorganization Plan 1 of 1947 (12 F. R. 4534))

This amendment shall be effective April 29, 1948.

JESS LARSON,
Administrator.

APRIL 23, 1948.

F. R. Doc. 48-3862; Filed, Apr. 28, 1948; 10:56 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Section 20.7 *Rocky Mountain National Park*, paragraph (b) (4), is amended to read as follows:

(b) *Fishing.* * * *

(4) The daily bag limit shall be in conformity with the limit prescribed by the laws and regulations of the State of Colorado but in no event shall exceed a maximum of fifteen fish (not exceeding a total of 10 pounds) for one day's catch. The possession of more than one day's catch by any person at any one time is prohibited.

2. Section 20.8 *Sequoia National Park*, paragraphs (d) and (f) are amended to read as follows:

(d) *Fishing; closed waters.* The following waters are closed to fishing to act as holding ponds and feeder streams for restocking main waters and other fish conservation measures:

(1) On the Watershed of the North Fork of the Kaweah River:

Cabin Creek from source to junction with Dorst Creek.

Yucca Creek from Colony Mill-Hidden Spring Trail crossing to source.

Dorst Creek from Generals Highway above road to source.

(2) On the Watershed of the Marble Fork of the Kaweah River:

Deer Creek from the foot bridge on the Sunset-Village Trail to source, except to children 10 years of age or younger.

That section of Wolverton Creek above the Wolverton Dam from point where signs are posted to source.

Silliman Creek from source at Silliman Lake to bridge on Generals Highway.

That section of the Marble Fork of the Kaweah River from the log bridge in Lodgepole Camp to one mile below the bridge on the Colony Mill Road, from August 31 to close of season.

(3) On the Watershed of the Middle Fork of the Kaweah River:

Crescent Meadow from source to High Sierra Trail Bridge at lower Crescent Meadow.

Middle Fork of the Kaweah River from ¼ mile above Buckeye Flat Fish Rearing Ponds to Potwisha Camp, from August 31 to close of season.

Granite Creek from source to junction with Eagle Scout Creek.

Eagle Scout Creek from source to junction with Middle Fork of the Kaweah River.

Middle Fork of the Kaweah River between the Bearpaw-Redwood Meadow Trail Bridge to falls on Lone Pine Creek from May 1 to June 30, inclusive.

Lone Pine Creek from bridge on High Sierra Trail upstream to and including Tamarack Lake.

(4) On the Watershed of the South Fork of the Kaweah River:

That section of the South Fork from Clough Cave upstream to Ladybug Camp, from August 31 to close of season.

That section of the South Fork, in the Hockett Meadow Area, from the lower end of Cabin Meadow to source.

Tuohy Creek from public campgrounds to source.

(5) On the Watershed of the East Fork of the Kaweah River:

That section of the East Fork between Atwell Mill-Hockett Meadow Trail Bridge to the Cold Spring Trail crossing, from August 31 to close of season.

Whitman Creek from junction with Cow Creek to source.

* * * * *

(f) *Fishing; open season.* The fishing season shall conform to that of the State of California.

3. Section 20.13 *Yellowstone National Park*, paragraph (a) (1) is amended to read as follows:

(a) *Fishing; open season; special areas.* * * *

(1) All streams emptying into Yellowstone Lake, including the mouths of the streams, the Yellowstone River and its tributaries from a point 10 yards above Fishing Bridge to the Upper Falls at Canyon, and Grebe Lake are open to fishing from July 1 to October 15, inclusive.

4. Section 20.14 *Great Smoky Mountain National Park*, paragraphs (a) through (f) are amended to read as follows:

§ 20.14 *Great Smoky Mountain National Park*—(a) *Fishing; open and closed waters.* All park waters are open to fishing except the following:

(1) *North Carolina.*

Lands Creek.
Mingus Creek.
Chestnut Branch.

That part of Raven Fork and all tributaries thereof lying upstream from the Cherokee Indian Reservation boundary at Big Cove.

(2) *Tennessee.*

All waters of the Middle Prong of Little Pigeon River above the mouth of Ramsey Prong except waters of Ramsey Prong.

(b) *Fishing; open season.* Fishing is permitted from May 16 to August 31, inclusive, from sunrise to sunset only.

[1] WAA Reg. 2 (12 F. R. 5586; 13 F. R. 750, 891).

(c) *Fishing; restrictions as to use of bait.* Fishing is permitted with any artificial flies or lures with one hook. The use of natural bait is also permitted with the exception of minnows or other bait fish, either alive or dead.

(d) *Fishing; size limits.* There is no size limit on either trout or bass but any small fish returned to the water should be carefully removed from the hook with moist hands to prevent their injury.

(e) *Fishing; limit of catch and in possession.* The maximum catch in any one day and the maximum number of trout in possession shall be ten. Maximum catch in one day and maximum number of bass in possession shall be eight. Maximum creels of trout and bass together shall not exceed ten fish in one day or ten fish in possession at any time. There is no creel limit on other species.

(f) *Fishing; license.* The park as such makes no charge for fishing, but persons fishing within the park must first procure the resident or non-resident State license issued and required by Tennessee, or the resident or non-resident State or County license or permit issued and required by North Carolina, depending upon the section of the park being fished.

5. Section 20.16 *Yosemite National Park,* paragraph (a) (3) is amended to read as follows:

(a) *Fishing.* * * *

(3) Limit of catch: The number of fish that may be taken by any one person in any one day shall not exceed ten fish, or ten pounds and one fish, and the weekly limit shall not exceed two daily limits, or twenty fish per week per person. Possession of more than one day's catch limit by any person at any one time is prohibited.

6. Section 20.22 *Grand Teton National Park,* paragraph (b) is amended by adding a new subparagraph, numbered 3, reading as follows:

(b) *Fishing.* * * *

(3) The open season for fishing shall conform to the open season established by the State of Wyoming for Teton County, except that all lakes except Jenny Lake will be open from April 1 through October 15. Jenny Lake will be open April 1 through September 14.

7. Section 20.31 *Olympic National Park,* paragraph (a) (1) is amended to read as follows:

(a) *Fishing; open season.* * * *

(1) Lake Crescent, Lake Mills, and Irely Lake are open to fishing from the third Sunday in April to October 31, inclusive.

a. A new subparagraph, numbered 3, is added to paragraph (a) reading as follows:

(3) Fishing is prohibited from one hour after sunset until sunrise.

b. Paragraph (b) *Fishing; closed waters,* is amended to read as follows:

(b) *Fishing; closed waters.* The following waters and their tributaries are closed to fishing:

Cat Creek.

Entire watershed of Morse Creek, except Lake Angeles and P. J. Lake.

All lake waters within 300 feet of the outlet or inlet of closed streams.

8. Section 20.35 *Kings Canyon National Park,* paragraphs (c) and (e) are amended to read as follows:

(c) *Fishing; closed waters.* The following waters are closed to fishing to act as holding ponds and feeder streams for restocking main waters and other fish conservation measures:

(1) On the South Fork of the Kings River:

Sheep Creek and its tributaries from source to the park boundary.

That section of Lewis Creek from the upper trail crossing to the park boundary.

Comb Creek, that section between junction with Lewis Creek to the trail crossing.

* * * * *

(e) *Fishing; open season.* The fishing season shall conform to that of the State of California.

9. Section 20.45 *Isle Royale National Park; sport fishing,* paragraphs (a) and (b) are amended to read as follows:

§ 20.45 *Isle Royale National Park; sport fishing*—(a) *Open seasons.* The fishing seasons shall be as follows:

Brook trout, rainbow trout, brown trout, and steelheads, last Saturday in April to Labor Day, inclusive.

Lake trout (Mackinaw trout), (all inland lakes and streams), last Saturday in April to Labor Day, inclusive.

Muskellunge, northern pike, walleyed pike, and yellow perch, last Saturday in April to Labor Day, inclusive.

(b) *Catch limits.* The maximum catch per person per day shall be as follows:

Brook trout, rainbow trout, brown trout, and steelheads, a combined total of 15 fish, or 10 pounds of fish and 1 fish.

Lake trout (Mackinaw trout), 25 pounds of fish and 1 fish.

Northern pike, walleyed pike, and muskellunge, 5 fish of either species.

Yellow perch, 25 fish.

The possession of more than one day's catch by any person at any one time is prohibited.

The number of fish in possession shall not exceed the maximum catch per person per day as indicated herein.

(Sec. 3, 39 Stat. 535; 16 U. S. C. 3)

Issued this 19th day of April 1948.

[SEAL] C. GIRARD DAVIDSON,
Assistant Secretary of the Interior

[F. R. Doc. 48-3796; Filed, Apr. 28, 1948; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE

RATES AND CONDITIONS APPLICABLE TO ARTICLES IN THE REGULAR (POSTAL UNION) MAILS AND TO PARCEL POST PACKAGES; PARCEL POST RATES FOR AFGHANISTAN

In § 127.202 (13 F R. 931) make the following change: Amend paragraph (b) (1) to read as follows:

§ 127.202 *Afghanistan.* * * *

(b) *Parcel post. (Afghanistan)*

(1) *Table of rates.*

[Rates include transit charges]

Pounds:	Rate	Pounds:	Rate
1	$0.50	7	$1.44
2	.64	8	1.61
3	.88	9	1.75
4	1.02	10	1.89
5	1.16	11	2.03
6	1.30		

Weight limit: 11 pounds.
Customs declarations: 2 Form 2966.
Dispatch note: 1 Form 2972.
Parcel-post sticker: 1 Form 2922.
Sealing: Optional.
Group shipments: limited to 3 parcels. (See § 127.77.)
Registration: No.
Insurance: No.
C. o. d.. No.
Exchange office: New York.

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL] J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48-3798; Filed, Apr. 28, 1948; 8:47 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 71—FOREIGN QUARANTINE

Notice of proposed rule-making and public rule-making proceedings have been omitted in the issuance of the following amendments to §§ 71.16, 71.87, and 71.139 of this part. Notice and rule-making proceedings have been found to be unnecessary because the sole purpose of the amendments is to exempt certain persons from restrictions now in effect and impracticable because delay in issuance might endanger the health of certain of the persons to be exempted.

1. Section 71.16 is amended to read as follows:

§ 71.16 *Smallpox: Vessels or aircraft.* A person from an area where smallpox is present who does not present satisfactory evidence of immunity shall not be permitted to embark until successfully vaccinated, unless vaccination would, because of advanced age, infancy, or illness of such person, be dangerous to his health.

2. Section 71.87 is amended to read as follows:

§ 71.87 *Smallpox: Vessels or aircraft; persons.* (a) Persons ill from smallpox shall be removed and isolated until no longer infectious.

(b) All persons shall be vaccinated unless:

(1) They present evidence satisfactory to the quarantine officer of successful vaccination within three years prior to arrival or of a previous attack of smallpox, or

(2) They arrive from countries specified by the Surgeon General, or

(3) In the judgment of the quarantine officer vaccination would, because of advanced age, infancy, or illness of such persons, be dangerous to their health, in which case they shall be placed under surveillance for not more than 14 days.

(c) The following persons shall be held under observation for not more than 14 days:

(1) All persons required under paragraph (b) of this section to be vaccinated who fail or refuse to be vaccinated;

(2) All persons excepted, because of danger to their health, from the vaccination requirement, if the quarantine officer has reason to believe that they have been exposed to a case of smallpox within 14 days prior to arrival.

3. Section 71.139 is amended to read as follows:

§ 71.139 *Particular diseases.* (a) A person coming from a locality where cholera is prevalent shall not enter until (1) it is determined that he is free from cholera vibrios, or (2) he has been under observation for five days since last exposure and is free from the disease.

(b) A person from an endemic yellow fever area who does not present satisfactory evidence of immunity shall be placed under observation or surveillance for six days from last exposure.

(c) All persons shall be vaccinated unless:

(1) They present evidence satisfactory to the quarantine officer of successful vaccination within three years prior to arrival or of a previous attack of smallpox, or

(2) In the judgment of the quarantine officer vaccination would, because of advanced age, infancy, or illness of such persons, be dangerous to their health, in which case they shall be placed under surveillance for not more than 14 days.

(d) The following persons shall be held under observation for not more than 14 days:

(1) All persons required under paragraph (c) to be vaccinated who fail or refuse to be vaccinated;

(2) All persons excepted, because of danger to their health, from the vaccination requirement, if the quarantine officer has reason to believe that they have been exposed to a case of smallpox within 14 days prior to arrival.

(e) A person from a locality where typhus prevails shall not be allowed to enter until free from vermin. Persons, wearing apparel, baggage, and personal effects shall be disinfested when deemed necessary by the quarantine officer.

Effective date. The foregoing amendments shall become effective on the date of their publication in the FEDERAL REGISTER.

(Secs. 215, 361–369, 58 Stat. 690, 703–706; 42 U. S. C. Sup. 216, 264–272)

Dated: April 22, 1948.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: April 23, 1948.

OSCAR R. EWING,
Federal Security Administrator.

[F. R. Doc. 48-3303; Filed, Apr. 28, 1948; 8:48 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR, Part 110]

DESIGNATION OF DOROTHY SCOTT MUNICIPAL AIRPORT AND DOROTHY SCOTT SEAPLANE BASE, OROVILLE, WASHINGTON, AS TEMPORARY AIRPORTS OF ENTRY FOR ALIENS

NOTICE OF PROPOSED RULE MAKING

APRIL 26, 1948.

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup. 1003) notice is hereby given of the proposed issuance by the Attorney General of the following rule relating to the designation of the Dorothy Scott Municipal Airport and of the Dorothy Scott Seaplane Base, Oroville, Washington, as temporary airports of entry for aliens. In accordance with subsection (b) of the said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Temporary Building X, 19th and East Capitol Streets, N. E., Washington, D. C., written data, views, or arguments relative to this proposed action. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

Paragraph (b) of § 110.3 *Airports of entry,* Chapter I, Title 8, Code of Federal Regulations, is amended by adding the following to the list of temporary airports of entry for aliens:

Oroville, Wash., Dorothy Scott Municipal Airport.

Oroville, Wash., Dorothy Scott Seaplane Base.

(Sec. 7 (d), 44 Stat. 572, sec. 1, 54 Stat. 1238; 49 U. S. C. 177 (d))

PEYTON FORD,
Acting Attorney General.

Recommended: April 14, 1948.

T. B. SHOEMAKER,
Acting Commissioner of Immigration and Naturalization.

[F. R. Doc. 48-3816; Filed, Apr. 28, 1948; 8:50 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR, Part 130]

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

ORDER FIXING OPERATION AND MAINTENANCE CHARGES

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (Pub. Law 404, 79th Cong., 60 Stat. 238) and authority contained in acts of Congress approved August 1, 1914; May 18, 1916; March 7, 1928 (38 Stat. 583, 25 U. S. C. 385; 39 Stat. 1942; and 45 Stat. 210, 25 U. S. C. 387) and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs September 11, 1946 (11 F. R. 10279) and by virtue of authority delegated by the Commissioner of Indian Affairs to the District Director September 14, 1946, notice is hereby given of intention to modify §§ 130.24, 130.26 and 130.28 of Title 25, Code of Federal Regulations, dealing with irrigable lands of the Flathead Indian Irrigation Project that are subject to the jurisdiction of the several Irrigation Districts.

Charges applicable to all irrigable lands in the Flathead Indian Irrigation Project that are included in the Irrigation District Organizations and are subject to the jurisdiction of the three Irrigation Districts.

§ 130.24 *Charges.* Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented by later contracts dated February 27, 1929, March 28, 1934, and August 26, 1936, notice is hereby given of intention to fix an assessment of $146,900 for the season of 1949 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines of and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 67,435.6 acres; does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

§ 130.26 *Charges.* Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Montana, on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented by later contracts dated June 2, 1934 and August 26, 1936, notice is hereby given of intention to fix an assessment of $28,100 for the season of 1949 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines of, and under the jurisdiction of, the Mission Irrigation District. This assessment involves an area of approximately 12,534.2 acres; does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

§ 130.28 *Charges.* Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Montana, on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supple-

mented by a later contract dated August 26, 1936, notice is hereby given of intention to fix an assessment of $10,300 for the season of 1949 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines of, and under the jurisdiction of, the Jocko Valley Irrigation District. This assessment involves an area of approximately 5,388.3 acres; does not include any land held in trust for Indians, and covers all proper general charges and project overhead.

The foregoing proposed amendments are to become effective for the irrigation season of 1949 and continue in effect thereafter until further notice.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to Paul L. Fickinger, Regional Director, U. S. Indian Service, 804 North 29th Street, Billings, Montana, within 30 days from the date of the publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

PAUL L. FICKINGER,
Regional Director

[F. R. Doc. 48-3789; Filed, Apr. 28, 1948; 8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 930]

HANDLING OF MILK IN TOLEDO, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT TO ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq., 12 F R. 1159, 4904), a public hearing was held at Toledo, Ohio, on April 8, 9 and 10, 1948, pursuant to notice thereof which was published in the FEDERAL REGISTER on April 3, 1948 (F R. Doc. 48-2960; 13 F R. 1840) upon certain proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area.

Preliminary statement. The proposed amendment upon which the hearing was held was submitted by The Northwestern Cooperative Sales Association, Inc.

The material issues presented on the record of hearing were whether:

(1) The Class I price differential should be fixed for the months of May, June, July, and August 1948, at $1.05;

(2) An emergency exists which warrants immediate effectuation of a revision in the order.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing.

(1) The Class I price differential should be established at $1.05 for the months of May through August 1948.

The amount of producer milk received by the Toledo market is inadequate to supply the consumer demand for milk and cream. Other source milk not subject to Toledo health department inspection was utilized in Class I and Class II in each of the last seven months preceding March 1948. For the last four months of 1947, total Class I uses were 102 percent and Class I and Class II uses 114 percent of total producer milk receipts. Because producer milk was not distributed among handlers in proportion to Class I and Class II needs, other source milk represented 19 percent of Class I utilization and 23 percent of Class II utilization for these months. A total of over 9 million pounds of other source milk was received by Toledo handlers in the September–December 1947 period.

There has been an increasing shortage of producer milk during the last year, and the use of other source milk has increased sharply due to declining producer receipts and increasing sales of fluid milk and cream. Sales of milk for fluid consumption increased an average of over 8,500 quarts a day during the four months ending February 29, 1948, above the corresponding period a year previous. This is an increase of 6 percent. The corresponding increase in sales of cream to consumers averaged 586 quarts a day, an increase of 5 percent.

Receipts of milk from producers declined over 2 million pounds in the November 1947 through February 1948 period under the corresponding period a year previous, a decrease of 4.7 percent. Purchases of other source milk by handlers during the above periods totaled a little over 3 million pounds for the 1946–47 months and over 7 million pounds for the 1947–48 months. This increase of 121 percent was largely a result of the decline in producer milk receipts and increase in milk and cream sales. During the four-month period ending February 29, 1948, nearly 6 million pounds of other source milk was classified as Class I.

Indications are that there will be a more severe shortage of producer milk in the fall of 1948 unless a higher spring and summer price is provided to encourage increased production and more dairy farmers to qualify as producers under Toledo inspection. Milk production per farm is averaging less than a year earlier. Average daily deliveries of producers were 5.8 percent lower in November 1947 than in the same month of 1946, and a similar comparison for the next three months shows decreases of 6.3 percent, 6.8 percent and 5.4 percent, respectively. Daily production per farm averaged well above the previous year during the first half of 1947. Following receipt of milk payments in June and July at the low blend price resulting from the two month seasonal drop of 20 cents in the differential and the seasonal low in the basic price, deliveries per farm in August 1947 dropped under 1946. Except for a slight increase in September and October, deliveries per producer continued under the previous year through February 1948.

There are within direct shipping distance of Toledo a great many more dairy farms than are necessary to supply the marketing area with fluid milk products. A large proportion of these farms ship to manufacturing plants. The differential above manufacturing prices to repay the cost of meeting quality requirements of the Toledo market has not been sufficient to bring producers into the Toledo market. Testimony indicated it is a common practice of dairy manufacturing plants in the Toledo area to pay quality and volume bonuses totaling 25 cents per hundredweight. This is equal to one-third of the Class I differential paid Toledo producers in May and June and about one-fourth in other months. It is more than the Class II differential in May and June, resulting in the condensery price plus premiums usually being above the Toledo Class II price in those months. The payment of premiums by nearby condenseries has the effect of reducing the incentive to dairy farmers to meet the requirements of Toledo inspection. In spite of increasing sales and a decreasing supply of producer milk, there has been a net loss in the number of Toledo producers for the last 2 years. The average number shipping in 1945 was 2,170, in 1946 the average was down to 2,050 and in 1947 declined again to 2,029. The first two months of 1948 showed a slight gain over the like period of 1947, but the number was well under the similar period of 1946.

Handlers argued the necessity of a seasonal differential to encourage a more even production. Under current market conditions, a higher level of production is needed and the encouragement of more even seasonal production is less urgent. A higher spring and summer differential is necessary in 1948 to encourage feeding for high production, prevent sale of cows and check diversion of feed and pasture to competing farm enterprises with consequent lower milk production in the fall and winter months of 1948–49. While the supply of producer milk will be at the seasonal peak in May and June, a higher Class I differential is necessary in these months and in July and August to insure a more adequate supply of milk in the months of short production. It was argued by handlers that the declining supply of producer milk might be replaced by other source milk from manufacturing plants. This trend to a lower proportion of producer milk is considered undesirable by the Toledo Health Department, assumes ability and willingness of manufacturing plant operators to supply all handlers at all times with the additional milk needed, and involves payment to dairy farmers producing such milk a price lower than that paid producers under the order, the difference being largely absorbed in costs of duplicate handling and transportation.

Under prevailing market conditions a Class I price differential of $0.75 in May and June 1948 and $0.95 in July and August would seriously threaten the future supply of pure and wholesome milk for the marketing area. A Class I price differential of $1.05 for the months of May through August 1948 is necessary to assure an adequate supply of pure and

wholesome inspected milk for the Toledo market in future months, promote orderly marketing and be in the public interest.

(2) An emergency exists which requires that prompt action be taken to amend the order to effectuate the findings and conclusions set forth above without allowing time for a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the filing of exceptions thereto. The due and timely execution of the functions of the Secretary of Agriculture under the act imperatively and unavoidably requires the omission of such recommended decision and the filing of exceptions thereto.

Under the provisions of the order, the amount added to the basic formula price as Class I differential will decrease 20 cents per hundredweight May 1, 1948, below the April level, which was 10 cents per hundredweight below the fall level. The low prices resulting from the seasonally lower differentials and basic prices and more milk in the lower class utilizations would tend to cause, unless the recommended action is taken, disposal of cows, a lower rate of feeding, and loss of producers, resulting in a more inadequate producer milk supply in the shortage months of 1948–49. Any delay beyond May 1, 1948, in effectuating the needed changes in the order would seriously threaten an adequate supply of pure and wholesome inspected milk for the Toledo market, would disrupt orderly marketing and would be contrary to the public interest. The amending order cannot be issued and made effective by May 1, 1948, unless the recommended decision and the filing of exceptions thereto are omitted.

(3) General: (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearnigs have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to Sections 2 and 8 (e) of the act are not reasonable in view of the price of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on proposed findings and conclusions. Written arguments and proposed findings and conclusions submitted on behalf of interested persons were considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions in this decision, except the following specific rulings:

The Secretary received from the Northwestern Cooperative Sales Association a proposal to amend the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area. While this proposal was under consideration the market administrator for the area, by letter dated February 20, 1948, notified all interested parties that "this petition is under consideration and if you have any proposals which you desire to have included in the hearing call, in the event a hearing is scheduled, it is requested that they be forwarded to the Director of the Dairy Branch, Production and Marketing Administration, South Building, United States Department of Agriculture, Washington 25, D. C., and be postmarked not later than February 25, 1948." The handlers, following receipt of such letter, mailed two suggested amendments postmarked February 25, 1948. Thereafter the Secretary issued two notices for separate hearings for the Toledo market. The first hearing was scheduled for 10:00 a. m., e. s. t., April 8, 1948, and was issued under docket No. AO–72–A11. This hearing notice contained only the proposal of the Northwestern Cooperative Sales Association that in the delivery periods of May, June, July, and August, 1948, the amount added to the basic formula price be $1.05 and a proposal by the Dairy Branch to make such other changes as may be required to make the entire marketing agreement and order conform to any amendments that might result from the hearing. At the same time a second notice of hearing was issued for the Toledo marketing area under docket No. AO–72–A12. This notice included additional proposals by the Northwestern Cooperative Sales Association, two proposals by the Toledo Milk Distributors Association, and two by the Dairy Branch, Production and Marketing Administration. This hearing was called for 2:00 p. m., e. s. t., April 8, 1948.

Following the opening of the hearing under Docket No. AO–72–All the attorney for the Toledo Milk Distributors Association made several oral motions and contended that there should be only one hearing and not two separate and distinct hearings as called by the Secretary. The rulings of the Presiding Officer denying the motions and contentions of counsel for the handlers were correct and are therefore sustained.

The attorney for the handlers requested that each hearing be held open in order that any evidence received in one hearing might be admitted in evidence by reference in the other hearing. The Presiding Officer permitted this to be done and, after receiving all evidence submitted in both hearings, ruled that the offer of the attorney for the handlers to include all of the evidence of the second hearing in the record of the first hearing, by reference generally, would be denied. Counsel then offered such evidence on a limited basis which was refused. It was then offered under the limitation that any evidence introduced in the second hearing which was pertinent to the question in the first hearing would be admitted by reference, but only for such limited purpose. The Presiding Officer admitted such evidence for such limited purpose. The same ruling was made as to the evidence received at the first hearing being included by reference in the second hearing.

The attorney for the cooperative association made the same offer with reference to all of the evidence and exhibits introduced on behalf of the cooperative association. This evidence was incorporated by reference under the same limitations as prescribed by the Presiding officer for the evidence on behalf of the handlers. The rulings of the Presiding Officer limiting the inclusion of evidence by reference from one hearing record to another hearing record to that which was pertinent to the question involved is correct and is therefore sustained. The evidence in the record of the hearing under Docket No. AO–72–A12, admitted by reference in the record of the hearing under Docket No. AO–72–A11, has been considered in arriving at the findings and conclusions set forth herein, as limited by the Presiding Officer in his ruling.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Toledo, Ohio, Milk Marketing Area" and "Order Amending the Order, As Amended, Regulating the Handling of Milk in the Toledo, Ohio, Milk Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 27th day of April 1948.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

Order Amending the Order, as Amended, Regulating the Handling of Milk in the Toledo, Ohio, Milk Marketing Area[1]

§ 930.0 *Findings and determinations—*
(a) *Findings upon the basis of the hear-*

[1] This order shall not become effective unless and until the requirements of Section 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

ing record. Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq., 12 F R. 1159, 4904) a public hearing was held on April 8, 9, and 10, 1948, upon certain proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to section 2 and 8 (e) of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings are supplementary and in addition to the findings made in connection with the issuance of the aforesaid order and the findings made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings are hereby ratified and affirmed except insofar as such findings may be in conflict with the findings set forth herein.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Toledo, Ohio, milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended is hereby further amended as follows;

1. Delete from § 930.5 (a) (1) the two provisos contained therein and substitute therefor the following: *"Provided,* That for the months of May, June, July, and August, 1948, the amount added to the basic formula price shall be $1.05."

[F. R. Doc. 48-3848; Filed, Apr. 28, 1948; 9:30 a. m.]

[7 CFR, Part 973]

[Docket No. AO 178-A1]

HANDLING OF MILK IN MINNEAPOLIS-ST. PAUL, MINNESOTA, MARKETING AREA

NOTICE OF HEARING; PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR, Supps., 900.1 et seq., 12 F R. 1159, 4904) notice is hereby given of a public hearing to be held in the Administrative Building, University of Minnesota Farm School, St. Paul, Minnesota, beginning at 10 a. m., c. s. t., May 10, 1948, for the purpose of receiving evidence with respect to the amendments hereinafter set forth, or appropriate modifications thereof, to the marketing agreement and to the order regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area (7 CFR, Supps., 973.0 et seq.) These proposed amendments have not received the approval of the Secretary of Agriculture.

The proposed amendments on which evidence will be received were proposed by the Twin City Milk Producers Association, by the Dairy Branch, Production and Marketing Administration, United States Department of Agriculture, hereinafter called the "Dairy Branch," and by several handlers subject to the order.

(§ *973.1*[1]) *Proposed by Dairy Branch.*

1. Amend § 973.1 (d) by adding "St. Anthony" to the list of townships in Hennepin County.

2. Delete § 973.1 (f) and substitute therefor the following:

(f) "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received directly from such person's farm at a pool plant.

3. Delete § 973.1 (g) and substitute therefor the following:

(g) "Handler" means any person, irrespective of whether such person is also a producer, in his capacity as the operator of a pool plant.

4. Delete § 973.1 (h) and substitute therefor the following:

(h) "Nonpool plant" means any milk processing plant from which no skim milk or butterfat is transferred to a pool plant in the form of milk, skim milk, cultured buttermilk, flavored milk or flavored milk drinks, or from which such transfer is made only during the months of July to November, inclusive. Any plant which has been designated as a "nonpool plant" shall be redesignated as a "pool plant" during any delivery period within which it meets the requirements set forth in paragraph (m) of this section. Any plant which has been designated as a "pool plant" shall continue to be so designated during any delivery period in which skim milk or butterfat is transferred from such plant to another pool plant in the form of milk, skim milk, cultured buttermilk, flavored milk or flavored milk drinks, until July 1 of the year following that in which such transfer was last made.

5. Delete § 973.1 (j) and substitute therefor the following:

(j) "Producer-handler" means any person who is both a producer and a handler and who receives no milk directly from the farms of other producers: *Provided,* That the maintenance, care, and management of the dairy animals and other resources necessary to produce the milk, and the processing, packaging, and distribution of the milk are the personal enterprise and the personal risk of such person.

6. Delete § 973.1 (l) and substitute therefor the following:

(l) "Delivery period" means a calendar month or the portion thereof during which this order is in effect.

7. Add as § 973.1 (m) the following:

(m) "Pool plant" means a milk processing plant, during any delivery period within which skim milk or butterfat is disposed of in the form of milk, skim milk, cultured buttermilk, flavored milk or flavored milk drinks, from such plant (1) on wholesale or retail routes (including plant stores) within the marketing area, (2) to a plant described in subparagraph (1) of this paragraph, which receives no milk from producers, (3) to a plant described in subparagraph (1) of this paragraph which receives milk from producers unless such transfer is made only during the months of July to November, inclusive, and (4) to a plant making the transfer described in subparagraphs (2) or (3) of this paragraph.

(§ *973.2*) *Proposed by the Dairy Branch.*

8. Delete § 973.2 (b) (3) and substitute therefor the following:

(3) Recommend to the Secretary amendments hereto:

9. Delete § 973.2 (c) prior to (1) and substitute therefor the following:

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions hereof, including but not limited, to the following:

10. Add as § 973.2 (c) (6) the following:

(6) Verify each handler's records and payments by inspection of such handler's records and the records of any other person upon whose utilization the classification of skim milk or butterfat for such handler depends.

11. Add as § 973.2 (c) (7) the following:

(7) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

[1] References are to the sections of the order The section numbers of the agreement are identical with those of the order except that the decimal point and the figure "973" preceding it in each section number of the order are omitted from the respective section numbers of the agreement.

(§ 973.3) *Proposed by the Dairy Branch:*

12. Delete § 973.3 and substitute therefor the following:

§ 973.3 *Reports, records, and facilities*—(a) *Delivery period reports of receipts and utilization.* On or before the 8th day of each delivery period, each handler, except a producer-handler, shall report to the market administrator with respect to all skim milk or butterfat, except that in nonfluid milk products disposed of in the form in which received without further processing or packaging, received by him at each plant during the preceding delivery period in the detail and on forms prescribed by the market administrator:

(1) The quantities of skim milk and the quantities of butterfat contained in (or used in the production of) receipts from producers (including his own production) producer-handlers, pool plants and nonpool plants and the sources thereof;

(2) The utilization of all skim milk or butterfat disposed of;

(3) The quantities of skim milk or butterfat on hand at the beginning and end of such delivery period; and

(4) Such other information with respect to all such receipts and utilization as the market administrator may prescribe.

(b) *Reports of producer-handlers.* Each producer-handler shall report to the market administrator at such time and in such manner as the market administrator may prescribe.

(c) *Reports as to producers.* Each handler, upon the request of the market administrator, shall, before the 25th day of each delivery period submit to the market administrator such handler's producer pay roll for the preceding delivery period which shall show for each producer (1) the total pounds of milk delivered with the average butterfat test thereof, and (2) the net amount of such handler's payments to such producer or to a cooperative association together with the prices, deductions, and charges involved.

(d) *Records and facilities.* Each handler shall permit the market administrator to make such examination of his operations, equipment and facilities as the market administrator deems necessary and he shall maintain and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as the market administrator deems necessary to verify or to establish the correct data with respect to (1) the receipts and utilization in whatever form of all skim milk or butterfat received, including non-fluid milk products disposed of in the form in which received without further processing or packaging; (2) the weights and tests for butterfat and for other content of all skim milk or butterfat handled; (3) payments to producers and cooperative associations; and (4) the pounds of skim milk or butterfat contained in or represented by all milk, skim milk, cream, and each milk product on hand at the beginning and at the end of each delivery period.

(§ 973.4) *Proposed by the Twin City Milk Producers Association:*

13. Amend § 973.4 (b) (2) by deleting therefrom the words, "and as actual plant shrinkage not in excess of 1 percent of the total receipts of skim milk or butterfat from producers"

14. Amend § 973.4 (e) (2) by deleting therefrom the words, "in excess of 1 percent of the total receipts of skim milk and butterfat from producers."

15. Amend § 973.4 (e) (3) by deleting therefrom the words, "and the pounds of skim milk and butterfat accounted for as actual plant shrinkage not in excess of 1 percent of the total receipts of skim milk and butterfat from producers."

Proposed by the Franklin Cooperative Creamery Association:

16. Amend § 973.4 (b) (1) by deleting therefrom the words, "cultured buttermilk."

Proposed by the Dairy Branch:

17. Delete § 973.4 and substitute therefor the following:

§ 973.4 *Classification*—(a) *Skim milk and butterfat to be classified.* All skim milk and butterfat, except skim milk and butterfat in non-fluid milk products disposed of in the form in which received without further processing or packaging, purchased or received during each delivery period by a handler shall be classified by the market administrator pursuant to the following provisions of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (d) and (e) of this section, the classes of utilization shall be as follows:

(1) Class I milk shall be all skim milk and butterfat disposed of for consumption in the form of milk, skim milk, cultured buttermilk, flavored milk, flavored milk drinks, cream (sweet or sour including any mixture of cream and milk or skim milk containing less butterfat than the legal standard for cream) aerated cream, instant whip, ready whipped cream (and similar products) and egg-nog, and all skim milk and butterfat not specifically accounted for pursuant to subparagraph (2) of this paragraph.

(2) Class II milk shall be all skim milk and butterfat: (i) Used to produce a milk product other than those specified in subparagraph (1) of this paragraph, (ii) in shrinkage of receipts from nonpool plants, and (iii) in shrinkage not in excess of 1 percent of receipts of skim milk and butterfat directly from producers' farms.

(c) *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(1) Compute separately the total shrinkage of skim milk and of butterfat for each handler.

(2) Prorate the resulting amounts respectively between the receipts of skim milk and butterfat directly from producers' farms and from nonpool plants.

(d) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat purchased or received by a handler shall be Class I milk, unless the handler who first received such skim milk or butterfat proves to the market administrator that it should be classified otherwise.

(2) Any skim milk or butterfat (except that transferred to a producer-handler) shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

(e) *Transfers.* Skim milk or butterfat disposed of by a handler by transfer shall be classified:

(1) As Class I milk if transferred in the form of milk, skim milk, or cream to another handler (other than a producer-handler) unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 8th day after the end of the delivery period within which such transfer occurred, but in no event shall the amount classified in any class exceed the total use in such class by the transferee handler: *Provided,* That, if either or both handlers have received skim milk or butterfat from a non pool plant such skim milk or butterfat so transferred shall be classified at both plants so as to return the highest class utilization to milk of producers.

(2) As Class I milk if transferred in the form of milk, skim milk, or cream to a producer-handler.

(3) As Class I milk if transferred in the form of milk, skim milk, or cream to a nonpool plant located less than 100 miles from the marketing area unless (i) the handler claims other classification on the basis of utilization mutually indicated in writing to the market administrator by both the handler and the person who receives such milk on or before the 8th day after the end of the delivery period within which such transfer occurred, (ii) the nonpool plant maintains records showing the receipt and utilization of all skim milk and butterfat at such plant which are made available to the market administrator for the purpose of vertification, and (iii) such nonpool plant had actually used not less than an equivalent amount of skim milk and butterfat in the use indicated in such statement: *Provided,* That if verification of such records discloses that an equivalent amount of skim milk and butterfat had not been used in such indicated utilization, the remaining pounds shall be classified in series beginning with the next higher priced classification.

(4) As Class I milk if transferred in the form of milk or skim milk, and as Class II milk if transferred in the form of cream to a nonpool plant located more than 100 miles from the marketing area.

(f) *Computation of milk in each class.* For each delivery period the market administrator shall correct mathematical and other obvious errors in the delivery period report submitted by each handler and shall compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for each handler.

(g) *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler, the market administrator shall determine the classification of milk received from producers as follows:

(1) Skim milk shall be allocated in the following manner:

(i) Subtract from the total pounds of skim milk in Class II the pounds of skim milk pursuant to paragraph (b) (2) (iii) of this section.

(ii) Subtract from the remaining pounds of skim milk in each class, in series beginning with the lower class in which the handler has use, the pounds of skim milk received from nonpool plants.

(iii) Subtract from the remaining pounds of skim milk in each class, respectively, the pounds of skim milk received from other pool plants in accordance with its classification as determined pursuant to paragraph (e) (1) of this section.

(iv) Add to the remaining pounds of skim milk in Class II the amounts subtracted pursuant to subdivision (i) of this subparagraph.

(v) If the total pounds of skim milk remaining in both classes exceed the pounds of skim milk received from producers, an amount equal to the difference shall be substracted in series beginning with the lower priced use to which skim milk has been allocated.

(2) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in subparagraph (1) of this paragraph.

(3) Determine respectively, the weighted average butterfat content of the milk received from producers and allocated to Class I milk and Class II milk, pursuant to subparagraphs (1) and (2) of this paragraph.

(§ 973.5) Proposed by the Twin City Milk Producers Association:

18. Delete § 973.5 (a) (1) and substitute therefor the following:

(1) For Class I milk—the price shall be the basic price determined pursuant to paragraph (b) of this section plus 50 cents during the months of January, February, March, April, May, and June and plus 95 cents during the months of July, August, September, October, November, and December.

19. Delete § 973.5 (a) (2) and substitute therefor the following:

(2) For Class II milk—the price shall be that determined by the market administrator as follows: (i) Multiply by 3.5 the average wholesale selling price per pound of 93-score butter at New York as reported by the Department of Agriculture for the delivery period in which such milk was received and add 22 percent thereof; (ii) multiply by 8.2 the average price of spray process nonfat dry milk solids for human consumption, in carlots f. o. b. manufacturing plants as reported for the Chicago area by the Department of Agriculture for the delivery period in which such milk was received; (iii) add into one sum the amounts obtained in subdivisions (i) and (ii) of this subparagraph; and (iv) subtract 52 cents therefrom.

20. Amend § 973.5 (d) (2) by deleting therefrom the words, "20 percent," and substituting therefor the words, "22 percent."

Proposed by the Franklin Cooperative Creamery Association.

21. Amend § 973.5 by deleting the words, "93-score butter," wherever appearing and substituting therefor the words, "92-score butter plus one cent."

Proposed by Oak Grove Dairy:

22. Amend § 973.5 (c) by deleting the words, "one-half cent" and substituting therefor the words, "one cent."

Proposed by Dutch Mill Dairy:

23. Amend § 973.5 by deleting the words, "93-score butter at New York," wherever appearing and substituting therefor the words, "92-score butter at Chicago."

24. Amend § 973.5 (c) by deleting the first paragraph thereof and substituting therefor the following:

(c) *Location differential to handlers.* With respect to milk purchased or received from producers at a plant of a handler located outside the marketing area and which is classified as Class I milk the price per hundredweight computed pursuant to paragraph (a) (1) of this section shall be reduced one cent for each full mile that such plant is distant from the marketing area, measured along the route actually travelled by the handler in transporting Class I milk to the marketing area.

Proposed by the Dairy Fresh Creamery Company:

25. Amend § 973.5 (c) by deleting the first paragraph thereof and substituting therefor the following:

(c) *Location differential to handlers.* The perimeter of a circle whose center is at the Minnesota Transfer Viaduct over University Avenue in St. Paul shall be hereinafter designated as the "fifteen-mile zone." With respect to milk purchased or received from producers at a plant of a handler located outside the marketing area and which is classified as Class I milk, the price per hundredweight computed pursuant to paragraph (a) (1) of this section shall be reduced one-half cent for each full mile that such plant is distant from the fifteen-mile zone. Such deduction shall be based on the shortest highway distance from such handler's plant to the fifteen-mile zone, as determined by the market administrator.

Proposed by the Dairy Branch:

26. Delete § 973.5 (e) (2)

(§ 973.6) Proposed by Dutch Mill Dairy:

27. Amend § 973.6 (d) by adding thereto the following: "In the case of a handler who disposes of milk in the marketing area in which any state or municipal health authority grades or defines and creates more than one grade of milk sold or disposed of in said marketing area or any part thereof, the uniform price computed by the market administrator to be paid by the handler pursuant to the provisions of § 973.8 (a) shall be reduced by 5 percent for the first grade below the highest grade so defined and created, and by 10 percent for the second grade below the highest grade so defined and created."

Proposed by the Dairy Branch.

28. Delete from § 973.6 (a) the phrase, "or by handlers whose sole sources of supply are receipts from other handlers which are not cooperative associations of producers."

29. Delete § 973.6 (c) and substitute therefor the following:

(c) *Sales of milk by a producer-handler* A producer-handler who sells or disposes of skim milk or butterfat, other than in packaged form, to another handler or producer-handler shall be considered a producer with respect to such skim milk or butterfat.

30. Delete § 973.6 (e)

(§ 973.7) Proposed by the Dairy Branch.

31. Delete § 973.7 (a) and substitute therefor the following:

(a) *Computation of the value of milk received from producers.* The value of the milk received directly from producers' farms during each delivery period by each handler shall be a sum of money computed by the market administrator by multiplying the pounds of milk in each class by the applicable class price and adding together the resulting amounts: *Provided,* That if any skim milk has been subtracted pursuant to § 973.4 (g) (1) (v), or if any butterfat has been similarly subtracted, there shall be added to the above value an amount computed by multiplying the pounds of skim milk and butterfat so subtracted by the applicable class prices.

32. Delete § 973.7 (b) prior to (1) and substituting therefor the following:

(b) *Computation of the uniform price for each handler* The market administrator shall compute the uniform price per hundredweight for milk purchased or received directly from producers' farms during the delivery period by each handler as follows:

(§ 973.8) Proposed by the Twin City Milk Producers Association.

33. Amend § 973.8 (b) by deleting therefrom the words "20 percent", and substituting therefor the words, "22 percent"

Proposed by Dutch Mill Dairy:

34. Amend § 973.8 (b) by deleting the words, "93-score butter at New York", and substituting therefor the words, "92-score butter at Chicago",

35. Delete § 973.8. (c) and substitute therefor the following:

(c) *Location differential to producers.* In making payments pursuant to paragraph (a) of this section for milk received from producers at a plant located outside the marketing area, each handler shall deduct from the uniform price payable to such producer an amount equal to one cent per hundredweight for each full mile that the plant where such milk was received is distant from the marketing area, measured along the route actually travelled by the handler in transporting Class I milk to the marketing area.

Proposed by the Dairy Fresh Creamery Company:

36. Delete § 973.8 (c) and substitute therefor the following:

(c) *Location differential to producers.* In making payments pursuant to paragraph (a) of this section for milk received from producers outside the mar-

keting area, each handler shall deduct from the uniform price payable to such producer an amount equal to one-half cent per hundredweight for each full mile that the plant where such milk was received is distant from the fifteen-mile zone.

Proposed by the Dairy Branch:

37. Delete § 973.8 (a) and substitute therefor the following:

§ 973.8 *Payments for milk*—(a) *Time and method of payment.* Each handler shall make payment as follows:

(1) On or before the 20th day after the end of the delivery period in which the milk was received, to each producer for milk not caused to be delivered from such producer's farm to such handler by a cooperative association, at not less than the uniform price computed pursuant to § 973.7 (b), subject to the differentials set forth in paragraphs (b) and (c) of this section.

(2) On or before the 15th day after the end of the delivery period in which the milk was received, to a cooperative association for milk it caused to be delivered from producers' farms to such handler and for which such cooperative association collects payment, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers under subparagraph (1) of this paragraph.

(3) On or before the 15th day after the end of each delivery period in which the skim milk or butterfat was received, to a cooperative association for skim milk and butterfat purchased or received from such cooperative association (other than in milk caused to be delivered directly from producers' farms to such handler) at not less than the class prices pursuant to § 973.5 (a) subject to the differentials set forth in § 973.5 (c) and (d)

(4) On or before the 20th day of the delivery period in which such skim milk and butterfat was received, to a cooperative association, if it so requests, for skim milk and butterfat which was purchased or received from such cooperative association or which was caused to be delivered by such association directly from producers' farms to the plant of such handler during the first 15 days of such delivery period at the approximate value of such skim milk or butterfat.

(§ 973.9) *Proposed by the Dairy Branch:*

38. Delete § 973.9 and substitute therefor the following:

§ 973.9 *Expense of administration.* As his pro rata share of the expense of administration hereof each handler, with respect to all milk purchased or received directly from producers' farms (including such handler's own production) and which is disposed of as Class I milk during the delivery period, shall pay to the market administrator, on or before the 18th day after the end of such delivery period, 2 cents per hundredweight or such lesser amount as the Secretary from time to time may prescribe.

(§ 973.10) *Proposed by the Dairy Branch:*

39. Delete § 973.10 (a) and substitute therefor the following:

(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler in making payments to producers (other than himself) pursuant to § 973.8 shall make a deduction of 2 cents per hundredweight of milk or such lesser deduction as the Secretary from time to time may prescribe, with respect to all milk purchased or received directly from producers' farms during the delivery period and shall pay such deductions to the market administrator on or before the 18th day after the end of such delivery period. Such money shall be expended by the market administrator for market information to, and for the verification of weights, sampling and testing of milk purchased or received from said producers.

Proposed by Dutch Mill Dairy:

40. Add as § 973.5 (f) the following:

(f) *Processing differential to handlers.* With respect to milk which has been processed by pasteurization, standardization, separation of milk from cream, culturing to buttermilk, flavoring, bottling in glass or other containers, or otherwise, the price per hundredweight shall be increased by a sum equal to two cents per quart of all such milk.

41. Delete § 973.8 (a) (2) and substitute therefor the following:

(2) On or before the 10th day after the end of each delivery period each handler shall make payment to a cooperative association for milk which it caused to be delivered to such handler for the account of such cooperative association in accordance with the classification of such milk at not less than the class prices set forth in § 973.5 (a) subject to the differentials set forth in § 973.5 (c), (d) and (f), and less the amount of the payment made pursuant to subparagraph (3) of this paragraph.

Copies of this notice of hearing may be procured from Mr. D. F. Spencer, Market Administrator, 100 Seventh Street North, Minneapolis 3, Minnesota, or from the Hearing Clerk, United States Department of Agriculture, Room 1846, South Building, Washington 25, D. C., or may be there inspected.

Dated: April 26, 1948, at Washington, D. C.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator

[F. R. Doc. 48-3809; Filed, Apr. 23, 1948; 8:49 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR, Part 687]

FULL-FASHIONED HOSIERY INDUSTRY FOR PUERTO RICO

MINIMUM WAGE RECOMMENDATION OF SPECIAL INDUSTRY COMMITTEE NO. 5; NOTICE OF PROPOSED RULE MAKING

Pursuant to the Administrative Procedure Act (60 Stat. 237), 5 U. S. C., Sup., 1001) and the rules of practice governing this proceeding (12 F. R. 7890, 7891), notice is hereby given of the decision of the Administrator of the Wage and Hour Division, United States Department of Labor, with respect to the recommendation of Special Industry Committee No. 5 for Puerto Rico for a minimum wage rate in the full-fashioned hosiery industry in Puerto Rico, and of the wage order which he proposes to issue pursuant thereto. The decision[1] and proposed wage order are set forth below. Interested parties may submit written exceptions thereto to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington, D. C., within 15 days from publication of this notice in the FEDERAL REGISTER. Exceptions should be submitted in quadruplicate, and should include supporting reasons for any exceptions presented.

Signed at Washington, D. C., this 21st day of April 1948.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

Whereas, on June 16, 1947, pursuant to section 5 (c) of the Fair Labor Standards Act of 1938, hereinafter called the act, I, as Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 367, appointed Special Industry Committee No. 5 for Puerto Rico, hereinafter called the Committee, and directed the Committee to proceed first to investigate conditions and to recommend to me minimum wage rates for employees in the sugar manufacturing industry in Puerto Rico, as defined in Administrative Order No. 367, and thereafter to investigate conditions and to recommend to me minimum wage rates for employees in other industries enumerated and defined in the order, as amended by Administrative Order No. 369, including the full-fashioned hosiery industry in Puerto Rico, in accordance with the provisions of the act and rules and regulations promulgated thereunder; and

Whereas, the Committee for purposes of investigating conditions and recommending minimum wage rates for employees in the full-fashioned hosiery industry in Puerto Rico, included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the full-fashioned hosiery industry in Puerto Rico, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico; and

Whereas, the Committee, after investigating economic and competitive conditions in the full-fashioned hosiery industry in Puerto Rico, filed with me a report containing its recommendation for a minimum wage rate of 33 cents per hour to be paid employees in the industry who are engaged in commerce or in the production of goods for commerce; and

Whereas, pursuant to notice published in the FEDERAL REGISTER on January 8,

[1] Filed as part of the original document. Copies are available on request at the Wage and Hour Division, Department of Labor, Washington, D. C.

1948, and circulated to all interested persons, a public hearing upon the Committee's recommendation was held before Hearing Examiner Clifford P Grant, as presiding officer, in Washington, D. C., on January 28, 1948, at which all interested persons were given an opportunity to be heard; and

Whereas, upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the act, particularly sections 5 and 8 thereof, I have concluded that the recommendation of the Committee for a minimum wage rate in the full-fashioned hosiery industry in Puerto Rico, as defined, was made in accordance with law, is supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act; and

Whereas, I have set forth my decision in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Special Industry Committee No. 5 for Puerto Rico for a Minimum Wage Rate in the Full-Fashioned Hosiery Industry in Puerto Rico," a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.,

Now, therefore, it is ordered that:

Sec.
687.1 Approval of recommendation of Industry Committee.
687.2 Wage rate.
687.3 Notices of order.
687.4 Definition of full-fashioned hosiery industry in Puerto Rico.

AUTHORITY: §§ 687.1 to 687.4, inclusive, issued under secs. 5 (e), 8, 52 Stat. 1064, 54 Stat. 615; 29 U. S. C. 205 (e), 208.

§ 687.1 *Approval of recommendation of Industry Committee.* The Committee's recommendation is hereby approved.

§ 687.2 *Wage rate.* Wages at a rate of not less than 33 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the full-fashioned hosiery industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 687.3 *Notices of order* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the full-fashioned hosiery industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 687.4 *Definition of the full-fashioned hosiery industry in Puerto Rico.* The full-fashioned hosiery industry in Puerto Rico to which this order shall apply, is hereby defined as follows: The manufacture of full-fashioned hosiery but not including dyeing, clocking, and other phases of hosiery finishing.

Effective date. This wage order shall become effective June 21, 1948. Signed at Washington, D. C., this 21st day of April 1948.

WM. R. MCCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 48-3817; Filed, Apr. 28, 1948; 9:00 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T. D. 51897]

CONVERSION OF FRENCH FRANC

COLLECTION OF ESTIMATED DUTIES

APRIL 21, 1948.

Reference is made to T. D. 51842, dated February 17, 1948, in which it was stated that the Federal Reserve Bank of New York contemplated certifying an "Official" rate and a "Free" rate of exchange for the franc for continental France for dates beginning on February 10, 1948; that appraisement shall be withheld and liquidation suspended in any case where it is necessary to determine the proper rate or rates for the French franc for the purpose of assessment and collection of duties on merchandise exported to the United States on or after January 26, 1948, from continental France or any French territory and that the higher of the two certified rates will be published in the weekly Treasury Decisions and shall be used solely for the purpose of calculating estimated duties on exports from continental France.

In view of later information received from the Federal Reserve Bank of New York, the last paragraph of T. D. 51842 is hereby amended by changing the period at the end thereof to a comma and adding the words "Algeria, Tunisia, and Morocco."

[SEAL] A. L. M. WIGGINS,
Acting Secretary of the Treasury.

[F. R. Doc. 48-3805; Filed, Apr. 28, 1948; 8:49 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[2163 "N"]

ARIZONA

ORDER OPENING LANDS TO MINING LOCATION, ENTRY AND PATENTING

Under authority and pursuant to the provisions of the act of April 23, 1932 (47 Stat. 136, 43 U. S. C. sec. 154) and the regulations thereunder, and subject to (1) valid existing rights, and (2) the terms of the following quoted stipulation, it is hereby ordered that the SW¼ sec. 14, T. 8 S., R. 21 W., Gila and Salt River Meridian, Arizona, be and the same is hereby opened to location, entry and patenting under the general mining laws, the quoted stipulation to be executed and acknowledged in favor of the United States by the locators, for their heirs, successors and assigns, and recorded in the county records and in the United States District Land Office at Phoenix, Arizona, before locations are made:

In carrying on mining, processing, or stock piling of mineral-bearing sand, gravel or rock, or any other operations in any manner related to the exploitation of his mineral deposits on the above described lands, Locator, his heirs, successors and assigns shall not pile, dump, or in any manner use or dispose of any rock, tailings, sludge, acids or chemicals, waste materials, rubbish or debris of any kind whatsoever, in such manner that any of such things will or in any manner could, be carried or introduced into the Gila River, The Gila Gravity Main Canal or any canal constructed later in connection with the Colorado River Storage Project or obstruct the natural flow from any wash channel. Locator, his heirs, successors and assigns shall not use or conduct mining or any other operations on the above described lands in such manner as will impede or hinder the uses and purposes of the United States in connection with the possible use of the lands for the Colorado River Storage Project or as will interfere in any degree with the operations of the United States or its agents, contractors, successors or assigns or as will be to the detriment of the general public.

There is reserved to the United States, its agents and employees, at all times free ingress to, passage over and egress from all of the above described lands for the purpose of inspection; and there is further reserved to the United States its successors and assigns the prior right to use any of the lands hereinabove described, to construct, operate, and maintain canals, dikes, wasteways, ditches, telephone and telegraph lines, electric transmission lines, roadways and appurtenant works, without any payment made by the United States, or its successor for such right. The Locator further agrees that the United States, its officers, agents, and employees, and its successors and assigns, shall not be held liable for any damage to the improvements or workings of the Locator resulting from the construction, operation, and maintenance of any works of the United States.

This order shall not become effective to change the status of the lands until 10:30 a. m. on June 23, 1948, at which time the lands shall, subject to valid existing rights and the provisions of existing withdrawals and of this order, become subject to disposition under the United States mining laws only, as above provided.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

APRIL 21, 1948.

[F. R. Doc. 48-3790; Filed, Apr. 28, 1948; 8:46 a. m.]

[Misc. 1378897]

CALIFORNIA

NOTICE OF FILING OF PLATS OF SURVEY AND DEPENDENT RESURVEY

APRIL 21, 1948.

Notice is given that the plats of extension survey of lands hereinafter described accepted December 11, 1942, will be officially filed in the District Land Office, Sacramento, California, effective at 10:00 a. m. on June 23, 1948. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from June 23, 1948, to September 21, 1948, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from June 4, 1948, to June 23, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on June 23, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on September 22, 1948, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference-right filings.* Applications by the general public may be presented during the 20-day period from September 3, 1948, to September 22, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on September 22, 1948 shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Sacramento, California.

The lands affected by this notice are described as follows:

SAN BERNARDINO MERIDIAN

T. 20 N., R. 4 E.,
Sec. 25, lots 1, 2, 3, 4, E½E½, NW¼;
Sec. 36, lots 1, 2, 3, 4, E½E½.
T. 18 N., R. 6 E.,
Sec. 4, lots 3, 4, 5, 6, 7, 8, 9, 10;
Sec. 5, lots 1 to 12, inclusive.

The area described aggregates 1,555.80 acres.

All of the lands in T. 20 N., R. 4 E., and lots 3, 4, 5, 6, sec. 5, T. 18 N., R. 6 E., S. B. M., were added to and made a part of Death Valley National Monument pursuant to Proclamation 2228 of March 26, 1937.

The character of the lands is generally level to undulating desert with portions being cut by rough rocky mountains.

THOS. C. HAVELL,
Assistant Director.

[F. R. Doc. 48-3794; Filed, Apr. 28, 1948; 8:46 a. m.]

[Misc. 1603639]

CALIFORNIA

NOTICE OF FILING OF PLAT OF EXTENSION SURVEY AND DEPENDENT RESURVEY

APRIL 22, 1948.

Notice is given that the plat accepted December 19, 1942 of (1) resurvey of a portion of T. 26 S., R. 38 E., M. D. M., California, delineating a retracement and reestablishment of the lines of the original survey as shown upon the plat approved January 4, 1856, and, (2) extension survey including lands hereinafter described, will be officially filed in the District Land Office, Sacramento, California, effective at 10:00 a. m. on June 24, 1948.

At that time the lands hereinafter described shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from June 24, 1948, to September 22, 1948, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279–283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from June 5, 1948 to June 24, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on June 24, 1948, shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on September 23, 1948 any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from September 4, 1948 to September 23, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on September 23, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, shall be filed in the District Land Office, Sacramento, California, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circ. No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, Title 43 of the Code of Federal Regulations and applications under the desert land laws and the Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Sacramento, California.

The lands affected by this notice are described as follows:

MOUNT DIABLO MERIDIAN

T. 23 S., R. 38 E.,
Secs. 4 to 9, inclusive;
Sec. 10, lots 1 to 9, inclusive, W½NW¼, SW¼SW¼.

Sec. 15, lots 1 to 9, inclusive, NW¼NW¼, W½SW¼,
Secs. 16 to 21, inclusive;
Sec. 28, lots 1, 2, 3, 4, N½;
Secs. 29 to 31, inclusive;
Sec. 32, lots 1 to 10, inclusive, W½NW¼.

The area described aggregates 12,022.98 acres.

Lots 3 and 9, sec. 10 and lots 1 and 7, sec. 15, T. 26 S., R. 38 E., are embraced in Power Site Reserve, 671 of December 12, 1917 and Power Project 134 of January 6, 1921, as conformed April 27, 1944.

The following lands are within the exterior boundaries of Stock Driveway 235, California No. 17 of January 23, 1933 and April 17, 1934, as conformed April 27, 1944.

MOUNT DIABLO MERIDIAN

T. 26 S., R. 38 E.,
Sec. 4;
Sec. 5, lots 1 to 8, inclusive, S½N½, SE¼,
Sec. 8, NE¼NE¼,
Sec. 9, E½, N½NW¼,
Sec. 10, lots 1 to 9, inclusive, W½NW¼, SW¼SW¼,
Sec. 15, lots 1 to 9, inclusive, NW¼NW¼, W½SW¼,
Sec. 16, N½, NW¼SE¼,
Sec. 17, E½,
Sec. 20, E½SE¼,
Sec. 21;
Sec. 28, lots 1 to 4, inclusive, N½,
Sec. 29, E½,
Sec. 31;
Sec. 32, lots 1 to 10, inclusive.

These lands are mountainous in character, lying along the base of the Sierra Nevada Mountains.

THOS. C. HAVELL,
Assistant Director

[F. R. Doc. 48-3795; Filed, Apr. 28, 1948; 8:46 a. m.]

[Misc. 1710385]

OREGON

NOTICE OF FILING OF PLAT OF DEPENDENT RESURVEY AND SURVEY

APRIL 21, 1948.

Notice is given that the plat of (1) dependent resurvey of secs. 1 and 2, SE¼ sec. 3, secs. 7 to 25, inclusive, and N½ sec. 26, secs. 27 to 29, inclusive, S½ sec. 35 and sec. 36, T. 16 S., R. 6 E., Willamette Meridian, accepted March 17, 1944, delineating the retracement and reestablishment of the lines of the original survey as shown upon the plats approved September 22, 1871 and November 4, 1875, and (2) extension survey including lands in the same township and range hereinafter described, will be officially filed in the District Land Office, Roseburg, Oregon, effective at 10:00 a. m. on June 23, 1948.

The lands affected by this notice are described as follows:

WILLAMETTE MERIDIAN

T. 16 S., R. 6 E.,
Sec. 3, lots 1 to 8, inclusive and lots 11 to 14, inclusive;
Secs. 4, 5 and 6;
Sec. 26, lots 1 to 8, inclusive;
Secs. 30 to 34, inclusive;
Sec. 35, lots 1 to 8, inclusive.

The area described aggregates 5,824.01 acres.

All of the above-described lands are within the exterior boundaries of the Willamette National Forest, pursuant to Executive orders of September 28, 1893, July 1, 1908 and April 6, 1933 and to third proclamation of January 25, 1907, fourth proclamation of March 2, 1907 and proclamation of June 30, 1911.

The following-described lands were included in Power Site Classification No. 164 by Departmental order of January 21, 1927 as conformed December 7, 1944:

WILLIAMETTE MERIDIAN

T. 16 S., R. 6 E.,
Sec. 26, lots 3 to 8 inclusive;
Sec. 30, lots 1 and 2;
Sec. 35, lots 1, 2, 3, 4, 7 and 8.

Anyone having a valid settlement or other right to any of these lands initiated prior to the withdrawals mentioned, should assert the same within three months from the date on which the plat is officially filed by filing an application under appropriate public-land law setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Roseburg, Oregon.

THOS. C. HAVELL,
Assistant Director

[F. R. Doc. 48-3791; Filed, Apr. 28, 1948; 8:46 a. m.]

[Misc. 1878096]

IDAHO

NOTICE OF FILING PLAT OF EXTENSION SURVEY

APRIL 21, 1948.

Notice is given that the plat of extension survey of T. 8 S., R. 13 E., Boise Meridian, Idaho, accepted April 26, 1945, including lands hereinafter described, will be officially filed in the District Land Office, Blackfoot, Idaho, effective at 10:00 a. m. on June 23, 1948.

The land affected by this notice is described as follows:

BOISE MERIDIAN

T. 8 S., R. 13 E.,
Sec. 3, lot 6;
Sec. 4, lot 5.

The area described aggregates 20.39 acres.

All of the lands involved were withdrawn December 4, 1909 for Temporary Power Site Withdrawal No. 77 as conformed May 5, 1945 and were also withdrawn by Departmental order of May 6, 1926 for Power Site Classification No. 140. Lot 6, section 3 was withdrawn December 11, 1920 for Power Project No. 19 as conformed May 5, 1945.

Anyone having a valid settlement right or other right to any of these lands initiated prior to the date of the above-mentioned withdrawals, should assert the same within three months from the date on which the plat is officially filed by filing an application under appropriate public-land law, setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Acting Manager, District Land Office, Blackfoot, Idaho.

THOS. C. HAVELL,
Assistant Director

[F. R. Doc. 48-3792; Filed, Apr. 28, 1948; 8:46 a. m.]

[Misc. 1878021]

IDAHO

NOTICE OF FILING OF PLATS OF SURVEY

APRIL 21, 1948.

Notice is given that the plats of survey of lands hereinafter described accepted December 28, 1943, will be officially filed in the District Land Office, Blackfoot, Idaho, effective at 10:00 a. m. on June 23, 1948. At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from June 23, 1948 to September 21, 1948, inclusive, the public lands affected by this notice shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Application by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from June 4, 1948 to June 23, 1948, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on June 23, 1948 shall be treated as simultaneously filed.

(c) *Date for non-preference-right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on September 22, 1948 any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference-right filings.* Applications by the general public may be presented during the 20-day period from September 3, 1948, to September 22, 1948, inclusive, and all such applications, together with those presented at 10:00 a. m. on September 22, 1948, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall

accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Blackfoot, Idaho, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Acting Manager, District Land Office, Blackfoot, Idaho.

The lands affected by this notice are described as follows:

BOISE MERIDIAN

T. 2 N., R. 37 E.,
Sec. 1, lot 10.
T. 3 N., R. 37 E.,
Sec. 36, lot 10.

The area described aggregates 9.69 acres.

This plat represents the survey of an island in Snake River, Idaho.

The lands involved are within an area subject to the vanadium withdrawal of August 27, 1942. However, the Geological Survey has reported that the lands do not contain vanadium.

The lands are situated about four feet above the level of the water surface in the river and have a level topography, a sandy loam soil and can be cultivated.

THOS. C. HAVELL,
Assistant Director.

[F. R. Doc. 48-3793; Filed, Apr. 28, 1948; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. SA-145]

ACCIDENT OCCURRING NEAR BAINBRIDGE, MD.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry NC-88814 which occurred near Bainbridge, Maryland, on May 30, 1947.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that a reconvening of the hearing is hereby assigned to be held on Friday, April 30, 1948, at 9:30 a. m. (local time) in the Banquet Room, Carlton Hotel, 923 16th Street NW., Washington, D. C.

Dated at Washington, D. C., April 23, 1948.

[SEAL] ROBERT W CHRISP,
Presiding Officer

[F. R. Doc. 48-3804; Filed, Apr. 28, 1948; 8:49 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-200, G-207, G-880]

TEXAS EASTERN TRANSMISSION CORP. ET AL.

ORDER REGARDING DELIVERY OF GAS

APRIL 23, 1948.

In the matters of Texas Eastern Transmission Corporation Panhandle Eastern Pipe Line Company, et al., Docket No. G-880, Docket Nos. G-200 and G-207.

The Federal Power Commission issued the following telegraphic order on April 22, 1948, in the above entitled matters:

Pursuant to orders heretofore issued in Docket Nos. G-200 and G-207 and Docket No. G-880, Texas Eastern Transmission Corporation is delivering 10,500 Mcf per day to Kentucky Natural Gas Corporation and 8,500 Mcf per day to The Ohio Fuel Gas Corporation for the account of Panhandle Eastern Pipe Line Company. Kentucky Natural has advised the Commission that it has arranged to receive additional gas for a limited period from Tennessee Gas Transmission Company, that it is ready to receive such gas and stop taking gas now being delivered to it by Texas Eastern and Ohio Fuel has agreed to receive the full 19,000 Mcf per day allotted to Panhandle System from Texas Eastern. Therefore the Commission orders that upon receipt of notice from Kentucky Natural of commencement of its receipt of gas from Tennessee and release of gas from Texas Eastern and notice from Ohio Fuel of readiness to receive gas thus released and simultaneously to reduce its takes from Panhandle, Texas Eastern shall deliver 19,000 Mcf per day allocated to the Panhandle System to The Ohio Fuel Gas Company.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-3797; Filed, Apr. 28, 1948; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1789]

WISCONSIN HYDRO ELECTRIC CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 23d day of April A. D. 1948.

Wisconsin Hydro Electric Company ("Wisconsin"), a public utility subsidiary of Eastern Minnesota Power Corporation, a registered holding company, having filed an application, and amendments thereto, with this Commission pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("Act") with respect to the following proposed transactions:

Wisconsin proposes to issue and sell seven serial notes dated April 1, 1948 in the aggregate principal amount of $50,000 and bearing interest at the rate of 3% per annum to Harris Trust and Savings Bank, Chicago, Illinois in exchange for and as a postponement of the maturity of two 3% serial notes of the company due April 1, 1948 and October 1, 1948 in the principal amount of $25,000 each. Six of the proposed notes, in the principal amount of $6,250 each, will mature successively at six-month intervals beginning April 1, 1949 and the seventh note, in the principal amount of $12,500, will mature April 1, 1952.

Wisconsin also proposes to issue and sell to two insurance companies $250,000 principal amount of its First Mortgage Bonds, 3½% Series, due March 1, 1972. Such bonds are to be issued under and secured by the Mortgage and Deed of Trust, dated March 1, 1947, executed by the company to Title Guarantee and Trust Company and Douglas Winquist, as Trustees, and an indenture supplemental thereto to be dated March 1, 1948; and

Said application having been filed on March 19, 1948 and Notice of Filing having been duly given in the form and manner prescribed by Rule U-23 under said act, and the Commission not having received a request for hearing with respect to said application within the period specified in said Notice and not having ordered a hearing thereon; and

The proposed issue and sale of said serial notes and bonds by Wisconsin having been expressly authorized by the Public Service Commission of the State of Wisconsin, the State in which Wisconsin is organized and is doing business; and

Applicant having requested that the Commission's order granting said application become effective forthwith upon issuance; and

The Commission finding with respect to said application that the requirements of section 6 (b) are satisfied and that there is no basis for imposing terms and conditions, other than those specified in Rule U-24, and deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application and permit it to become effective forthwith:

It is ordered, That, pursuant to Rule U-23 and subject to the terms and conditions prescribed in Rule U-24, said application, as amended, be, and hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-3800; Filed, Apr. 28, 1948; 8:48 a. m.]

[File No. 70-1814]

SOUTHERN PRODUCTION CO., INC.

NOTICE OF FILING AND REQUEST FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 23d day of April A. D. 1948.

Notice is hereby given that an application has been filed with this Commission pursuant to sections 6 (b) and 9 (c) (3) of the Public Utility Holding Company Act of 1935 ("Act") by Southern Production Company, Inc. ("Southern"), a subsidiary of Federal Water and Gas Corporation, a registered holding company, for exemption from the provisions of sections 6 (a) and 9 (a), respectively, of the act in respect of certain proposed transactions.

Notice is further given that any interested person may, not later than May 7,

1948, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said application which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 2d Street, N. W., Washington 25, D. C. At any time after May 7, 1948 said application, as filed, or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application, which is on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Southern is engaged in the business of producing and marketing natural gas, distillate, oil and related products and in businesses incidental thereto. Federal Water and Gas Corporation, which holds approximately 54% of the common stock of Southern (the balance of such stock being held by the public) has pending before this Commission for approval a plan, filed pursuant to section 11 (e) of the act, which provides, among other things, for the distribution to its stockholders of the shares of common stock of Southern held by it and for the ultimate dissolution of Federal Water and Gas Corporation.

Southern proposes to issue and sell from time to time within the next twelve months following the effective date of the Commission's order granting said application, to banks, and not for public offering, debt securities, not in excess of $5,000,000 aggregate principal amount to be outstanding at any one time, which shall bear interest at a rate not in excess of four per cent per annuum and which shall mature not more than three years from the date of issuance.

Southern requests an order which shall provide that the provisions of section 9 (a) shall not apply to the acquisition by Southern, at any time or times within the next twelve months following the effective date of such order, of interests in other businesses primarily engaged in mineral production, or of securities of companies primarily engaged in any such business, in an amount not in excess of $5,000,000.

Applicant states that the proposed transactions are in the ordinary course of its business and are essential properly to carry on its business in competition with others engaged in the same business and that no state or Federal regulatory authority, other than this Commission, has jurisdiction over the proposed transactions.

Applicant requests that the Commission's order granting said application be issued as soon as practicable.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 48-3799; Filed, Apr. 28, 1948; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11008]

JOSEPH KEMPER

In re: Bank account owned by Joseph Kemper. F-28-272-E-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joseph Kemper, whose last known address is Berlin, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: That certain debt or other obligation of The Greenwich Savings Bank, 1356 Broadway, New York 18, New York, arising out of a savings account, account number 807050, entitled Monroe Newberger in trust for Joseph Kemper, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Joseph Kemper, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3811; Filed, Apr. 28, 1948; 8:49 a. m.]

[Vesting Order 10999]

THERESE DOERFLER

In re: Debts owing to Therese Doerfler. F-28-27977-A-1; C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Therese Doerfler, whose last known address is Seeheim B. Darmstadt Schul Str. No. 34 A D Bugstr, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows: a. That certain debt or other obligation owing to Therese Doerfler, by George Engel, 4555 Bronx Boulevard, Bronx 66, New York, New York, in the amount of $456.53, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

b. That certain debt or other obligation owing to Therese Doerfler by David S. Myers, 285 Madison Avenue, New York, New York, in the amount of $1,501.10, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3810; Filed, Apr. 28, 1948; 8:49 a. m.]

[Vesting Order 11011]

BARBARA LINK ET AL.

In re: Cash owned by Barbara Link and others. F-28-28768-C-1, F-28-28769-C-1, F-28-28767-C-1, F-28-28766-C-1, F-28-28765-C-1, F-28-28770-C-1, F-28-28774-C-1, F-28-28772-C-1, F-28-28773-C-1, F-28-28775-C-1, F-28-28771-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons whose names and last known addresses are set forth below:

Name and Address

Barbara Link, Dornhan, Wurttemberg, Germany.
Erwin Link, Dornhan, Wurttemberg, Germany.
Rosina Jauch, Schweningen a/n Kornbind Str. 149, Germany.
Barbara Esslinger, Schweningen a/n 11 Feldberg Str., Germany.
Frida Bachler, Konstanz, Bodensee, 52 Markrafen Str., Germany.
Helene Link, Dornhan, Wurttemberg, Germany.
Emilie Rieder, Dornhan, Wurttemberg, Germany.
Martha Link, Dornhan, Wurttemberg, Germany.
Richard Link, Dornhan, Wurttemberg, Germany.
Emilie Woessner, Marschalkernzimern, Kreis Korb, Wurttemberg, Germany.
Matthias Link, Konstanz, Bodensee, 61 Markrafen Str., Germany.

are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: Cash presently in the custody of Liberty Title & Trust Company, N. E. corner Broad and Arch Streets, Philadelphia 7, Pennsylvania, said cash held for the persons whose names are set forth below and in the amount set forth opposite each name as follows:

Name and Amount

Barbara Link	$467.09
Erwin Link	186.83
Rosina Jauch	146.03
Barbara Esslinger	146.03
Frida Bachler	146.03
Helene Link	186.83
Emilie Rieder	186.83
Martha Link	186.83
Richard Link	186.84
Emilie Woessner	146.03
Matthias Link	146.03

and any and all accruals thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 31, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-3812; Filed, Apr. 28, 1948; 8:50 a. m.]

[Vesting Order 11078]

FRITZ KARL DREWS

In re: estate of Fritz Karl Drews, deceased. File No. F-28-22577; E. T. sec. 16339.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Martha Drews, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the heirs, next of kin, legatees and distributees of Fritz Karl Drews, deceased, names unknown, except Ella Gollusch a resident of the United States, who there is reasonable cause to believe are residents of Germany are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, except the aforesaid Ella Gollusch, and each of them, in and to the estate of Fritz Karl Drews, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

4. That such property is in the process of administration by Ella Gollusch, as administratrix, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the heirs, next of kin, legatees and distributees of Fritz Karl Drews, deceased, names unknown, except Ella Gollusch a resident of the United States, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-3813; Filed, Apr. 23, 1948; 8:50 a. m.]

[Vesting Order 11031]

KATHERINE GAESSLER

In re: Estate of Katherine Gaessler, deceased. File No. D-28-10286; E. T. sec. 14656)

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Barbara Lacher and Mrs. Ehardt, first name unknown, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the heirs, names unknown of Edward Froehlich, of Meinrad Froehlich, of Johanna Blum, of Anna Lacher, and of Mrs. Ehardt, first name unknown, and each of them, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Katherine Gaessler, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by The Fifth Third Union Trust Company, Executor, acting under the judicial supervision of the Probate Court of Hamilton County, State of Ohio;

and it is hereby determined:

5. That to the extent that the persons named in subparagraph 1 hereof and the heirs, names unknown of Edward Froehlich, of Meinrad Froehlich, of Johanna Blum, of Anna Lacher and of Mrs. Ehardt, first name unknown, and each of them, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have

the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-3814; Filed, Apr. 28, 1948; 8:50 a. m.]

[Vesting Order 11084]

HUGO RUDOLPH HEINRICH OBRAM

In re: Estate of Hugo Rudolph Heinrich Obram, deceased. File No. D-40-59, E. T. sec. 15524.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That William Grissel, Edward Grissel, and Nora Grissel, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Hugo Rudolph Heinrich Obram, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

3. That such property is in the process of administration by Henry Steinbach, as Executor, acting under the judicial supervision of the Surrogate's Court, Erie County, Buffalo, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on April 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-3815; Filed, Apr. 28, 1948; 8:50 a. m.]